

ORDINANCE NO. 142

AN ORDINANCE OF THE CITY OF HOKAH REGULATING CATERERS AND TRANSIENT VENDORS IN THE CITY OF HOKAH PROVIDING PERMITS THEREFOR AND PENALTIES FOR VIOLATIONS

The City Council of the City of Hokah, Houston County, Minnesota, hereby ordains:

Section I. Purpose and Findings.

In order to assure and to protect the health, safety and welfare of the residents of the City of Hokah, there is a need to regulate the time, place and manner of conduct of Special Events or sales of merchandise and by establishing permit requirements for conducting Special Events and sales as such are herein defined. The City of Hokah Council finds that Special Events often exceed the City's capacity to provide usual city services. Such city services include, but are not limited to sanitary, fire, police and utility services. The City of Hokah Council also finds these regulations necessary to ensure that such events are conducted with sufficient consideration given to public safety issues, including, among other things, the impact of such events on parking and vehicular traffic within the City.

Section II. Definitions.

For purposes of this Section, the following terms shall have the meaning given to them:

Subd. 1. "Person" is defined as a natural person, association, organization, club, group formed for a common purpose, partnership of any kind, limited liability company, corporation or any other legal entity.

Subd. 2. "Special Events" is defined as an outdoor gathering of at least 10 individuals whether on public or private property, assembled with a common purpose for a period of one hour or longer. Special Events include, but are not limited to concerts, fairs, carnivals, circuses, parades, flea markets, marathons, walkathons, festivals, races, bicycle events, celebrations or any other gathering or events of similar nature. Special Events do not include non-commercial events held on private property such as graduation parties for immediate family members.

Subd. 3. "Transient Vendor" is defined as solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise not having a commercial base of operations in the City.

Section III. Permit Required.

Subd. 1. No person shall hold, conduct or participate in a Special Event within the City, unless a permit has been issued for such event upon timely written application made to the City. A fee in the Amount of \$25.00 shall be paid to the City along with the completed application and registration forms.

Subd. 2. The sale of intoxicating or non-intoxicating liquor within the City of Hokah requires a permit issued by the State of Minnesota, and the City of Hokah. A Cover Charge for admission to events where alcohol is given away is considered a sale. Fee's for sale of intoxicating and non-intoxicating liquor are to be the same as currently established for licensed liquor vendors

located within the City. Holders of valid State of Minnesota Caterer's Permit must currently hold a valid retail on-sale intoxicating liquor license at a restaurant. All liquor laws and rules apply to both the on-sale license as well as this caterer's permit. Liquor liability and workers compensation insurance are mandatory and a certificate showing off premises coverage must accompany this application for a licensed caterer's permit holder to sell alcohol within the City.

Subd. 3. No solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise shall go in or upon private residences or residential properties for the purpose of selling or soliciting orders for the sale of goods, wares, merchandise or services if such property has been posted with a sign forbidding solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise. Such signs shall be posted in a conspicuous place on the property. A sign posted on the door or entrance to a residence or residential property shall be deemed conspicuous for purposes of this ordinance.

Subd. 4. If the merchandise offered for sale are edible or food products a current Certificate issued by the Minnesota Department of Health authorizing merchant to be involved in such sales is required when submitting application.

Section IV. Registration.

Subd. 1. Any solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise who intends to sell or solicit orders for the sale of wares, merchandise, or services at the private residences or on residential properties shall register. Such registration shall include the following information among others as may be prescribed by the City:

- (1) The name, address and telephone number of the solicitor, peddler, hawker, itinerant merchant or transient vendor.
- (2) The name, address and telephone number of his/her employer.
- (3) A description of the goods, merchandise, wares or services being offered, including brand names if any.

Subd. 2. If any nonprofit corporation intends to sell or solicit orders for goods, wares, merchandise or services at residences or on residential properties, it shall provide the following information:

- (1) The name, address and telephone number of the nonprofit corporation.
- (2) A description of the goods, merchandise, wares or services being offered.
- (3) The name, address and telephone number of a person who may be contacted for information concerning the organization and the selling or soliciting.

Subd. 3. Any person who provides false information on any such registration or who fails to register shall be guilty of a misdemeanor.

Section V. Application for Permit.

Written application for Special Event permits must be made at least 30 days in advance of the event's proposed date in a form prescribed by the City Council. This application period shall not begin to run until a complete application has been filed with the City. Application forms shall be made available in the Office of the City Administrator. A fee in the amount of \$25.00 shall be paid to the City along with the completed application form. This permit shall be valid for a period not to exceed one week. Permits for holders of valid State of Minnesota Caterer's Permit licenses shall run the same term as currently licensed liquor serving establishment's.

The sale of intoxicating or non-intoxicating liquor requires a fee that is concurrent with the City's Adopted Fee Schedule and required when submitting a permit. In addition to the fee, the applicant shall pay all additional costs incurred by the City as a direct result of the special event. Failure to provide a complete application or to pay the fee, as herein required, is sufficient reason to deny the permit. The City Council, at any duly convened meeting thereof, may adjust the fee by resolution duly enacted; may amend said fee. At date of Publication of said Ordinance the current On-Sale License fee is \$700.00 and valid from a date in April until April the following year.

Section VI. Issuance of Permit, Conditions, and Posting.

Subd. 1. Special Event permits will be issued upon City Council approval. The Council may attach such reasonable conditions to the permit as are deemed necessary to protect the health, safety and welfare. Such conditions among others, may pertain to any of the following:

- A. Location and hours during which the event may be held.
- B. Sanitation/availability of potable water.
- C. Security/crowd management.
- D. Parking and traffic issues.
- E. Emergency and medical services.
- F. Clean up of premises and surrounding area/trash disposal.
- G. Insurance.
- H. Lighting.
- I. Fire service/safety.
- J. Temporary construction, barricades/fencing.
- K. Removal of advertising/promotional materials.
- L. Noise levels.
- M. Alcohol consumption.
- N. Sales of intoxicating or non-intoxicating alcohol.
- O. Any other conditions, which the Council deems necessary.

Subd. 2. Upon Council approval, the City Administrator shall issue a permit to the Person(s) named in the permit application. The permit shall clearly state the conditions, if any, imposed by the Council. Copies of the permit shall be posted during the Event.

Section VII. Exceptions to the Permit.

The permit requirement contained in this Section does not apply to the following.

- Subd. 1 Special Events sponsored and managed by the City of Hokah.
- Subd. 2 Funerals and funeral processions.

- Subd. 3 The grounds of any properly zoned school, playground, place of worship, hotel conference center, stadium, athletic fields, arena, auditorium, or similar permanent place of assembly when used for regularly established assembly purposes.
- Subd. 4 The City of Hokah Swimming Beach/Pool..
- Subd. 5 Licensed Tax-Exempt and Non-Profit Organizations based in the City of Hokah.

Section VIII. Penalty for Violations, Enforcement.

Any person who violates any conditions of a Special event permit or any provision of this Section shall be guilty of a misdemeanor. The City Official responsible for enforcement may charge violations petty misdemeanors punishable as prescribed by state law. Enforcement of this Section may, at the Councils discretion, take any of the following forms:

- Subd. 1 Citation/criminal prosecution.
- Subd. 2 Injunctions, declaratory judgments, or other civil remedies.
- Subd. 3 Permit revocation.
- Subd. 4. Disbursement of persons gathered.

Section IX. These provisions shall become effective from and after due passage and enactment and publication, according to law.

Passed and enacted this 3rd. day of August , 2010.

APPROVED



Mayor

ATTEST:



Administrator